

Bill No. CS for CS for SB 2056

Amendment No.      Barcode 510660

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Wasserman Schultz moved the following amendment:

**Senate Amendment (with title amendment)**

On page 38, between lines 11 and 12,

insert:

Section 33. Subsection (21) of section 316.003, Florida Statutes, is amended and subsection (82) is added to that section to read:

316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(21) MOTOR VEHICLE.--Any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, or moped.

(82) MOTORIZED SCOOTER.--Any vehicle not having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, and not capable of propelling the vehicle of a speed greater than 30 miles per hour on level ground.

Bill No. CS for CS for SB 2056

Amendment No. \_\_\_\_ Barcode 510660

1           Section 34. Section 316.2065, Florida Statutes, is  
2 amended to read:

3           316.2065 Bicycle and motorized scooter regulations.--

4           (1) Every person propelling a vehicle by human power,  
5 or operating a motorized scooter as defined in s. 316.003, has  
6 all of the rights and all of the duties applicable to the  
7 driver of any other vehicle under this chapter, except as to  
8 special regulations in this chapter, and except as to  
9 provisions of this chapter which by their nature can have no  
10 application.

11           (2) A person operating a bicycle may not ride other  
12 than upon or astride a permanent and regular seat attached  
13 thereto.

14           (3)(a) A bicycle may not be used to carry more persons  
15 at one time than the number for which it is designed or  
16 equipped, except that an adult rider may carry a child  
17 securely attached to his or her person in a backpack or sling.

18           (b) Except as provided in paragraph (a), a bicycle  
19 rider must carry any passenger who is a child under 4 years of  
20 age, or who weighs 40 pounds or less, in a seat or carrier  
21 that is designed to carry a child of that age or size and that  
22 secures and protects the child from the moving parts of the  
23 bicycle.

24           (c) A bicycle rider may not allow a passenger to  
25 remain in a child seat or carrier on a bicycle when the rider  
26 is not in immediate control of the bicycle.

27           (d) A bicycle rider or passenger or motorized scooter  
28 rider who is under 16 years of age must wear a bicycle helmet  
29 that is properly fitted and is fastened securely upon the  
30 rider's or passenger's head by a strap, and that meets the  
31 standards of the American National Standards Institute (ANSI Z

Bill No. CS for CS for SB 2056

Amendment No. \_\_\_\_ Barcode 510660

1 90.4 Bicycle Helmet Standards), the standards of the Snell  
2 Memorial Foundation (1984 Standard for Protective Headgear for  
3 Use in Bicycling), or any other nationally recognized  
4 standards for bicycle helmets adopted by the department. As  
5 used in this subsection, the term "passenger" includes a child  
6 who is riding in a trailer or semitrailer attached to a  
7 bicycle.

8 (e) Law enforcement officers and school crossing  
9 guards may issue a bicycle safety brochure and a verbal  
10 warning to a bicycle rider or passenger or a motorized scooter  
11 rider who violates this subsection. A bicycle rider or  
12 passenger or a motorized scooter rider who violates this  
13 subsection may be issued a citation by a law enforcement  
14 officer and assessed a fine for a pedestrian violation, as  
15 provided in s. 318.18. The court shall dismiss the charge  
16 against a bicycle rider or passenger or a motorized scooter  
17 rider for a first violation of paragraph (d) upon proof of  
18 purchase of a bicycle helmet that complies with this  
19 subsection.

20 (f) A person operating a motorized scooter may not  
21 carry passengers.

22 (4) No person riding upon any bicycle, coaster, roller  
23 skates, sled, or motorized scooter, or toy vehicle may attach  
24 the same or himself or herself to any vehicle upon a roadway.  
25 This subsection does not prohibit attaching a bicycle trailer  
26 or bicycle semitrailer to a bicycle if that trailer or  
27 semitrailer is commercially available and has been designed  
28 for such attachment.

29 (5)(a) Any person operating a bicycle upon a roadway  
30 at less than the normal speed of traffic at the time and place  
31 and under the conditions then existing shall ride as close as

Bill No. CS for CS for SB 2056

Amendment No. \_\_\_\_ Barcode 510660

1 practicable to the right-hand curb or edge of the roadway  
2 except under any of the following situations:

3 1. When overtaking and passing another bicycle or  
4 vehicle proceeding in the same direction.

5 2. When preparing for a left turn at an intersection  
6 or into a private road or driveway.

7 3. When reasonably necessary to avoid any condition,  
8 including, but not limited to, a fixed or moving object,  
9 parked or moving vehicle, bicycle, pedestrian, animal, surface  
10 hazard, or substandard-width lane, that makes it unsafe to  
11 continue along the right-hand curb or edge. For the purposes  
12 of this subsection, a "substandard-width lane" is a lane that  
13 is too narrow for a bicycle and another vehicle to travel  
14 safely side by side within the lane.

15 (b) Any person operating a bicycle upon a one-way  
16 highway with two or more marked traffic lanes may ride as near  
17 the left-hand curb or edge of such roadway as practicable.

18 (6) Persons riding bicycles upon a roadway may not  
19 ride more than two abreast except on paths or parts of  
20 roadways set aside for the exclusive use of bicycles. Persons  
21 riding two abreast may not impede traffic when traveling at  
22 less than the normal speed of traffic at the time and place  
23 and under the conditions then existing and shall ride within a  
24 single lane.

25 (7) Any person operating a bicycle or motorized  
26 scooter shall keep at least one hand upon the handlebars.

27 (8) Every bicycle or motorized scooter in use between  
28 sunset and sunrise shall be equipped with a lamp on the front  
29 exhibiting a white light visible from a distance of at least  
30 500 feet to the front and a lamp and reflector on the rear  
31 each exhibiting a red light visible from a distance of 600

Bill No. CS for CS for SB 2056

Amendment No. \_\_\_\_ Barcode 510660

1 feet to the rear. A bicycle or motorized scooter ~~its~~ rider  
2 may be equipped with lights or reflectors in addition to those  
3 required by this section.

4 (9) No parent of any minor child and no guardian of  
5 any minor ward may authorize or knowingly permit any such  
6 minor child or ward to violate any of the provisions of this  
7 section.

8 (10) A person propelling a vehicle by human power upon  
9 and along a sidewalk, or across a roadway upon and along a  
10 crosswalk, has all the rights and duties applicable to a  
11 pedestrian under the same circumstances.

12 (11)(a) A person propelling a bicycle upon and along a  
13 sidewalk, or across a roadway upon and along a crosswalk,  
14 shall yield the right-of-way to any pedestrian and shall give  
15 an audible signal before overtaking and passing such  
16 pedestrian.

17 (b) A motorized scooter may not be operated upon or  
18 along a sidewalk. However, an electric personal assistive  
19 mobility device that is designed to transport only one person  
20 and that has an electric propulsion system that limits the  
21 maximum speed of the device to 15 miles per hour or less may  
22 be operated upon or along a sidewalk.

23 (12) No person upon roller skates, or riding in or by  
24 means of any motorized scooter, coaster, toy vehicle, or  
25 similar device, may go upon any roadway except while crossing  
26 a street on a crosswalk; and, when so crossing, such person  
27 shall be granted all rights and shall be subject to all of the  
28 duties applicable to pedestrians.

29 (13) This section shall not apply upon any street  
30 while set aside as a play street authorized herein or as  
31 designated by state, county, or municipal authority.

Bill No. CS for CS for SB 2056

Amendment No. \_\_\_\_ Barcode 510660

1           (14) Every bicycle or motorized scooter, shall be  
2 equipped with a brake or brakes which will enable its rider to  
3 stop the bicycle within 25 feet from a speed of 10 miles per  
4 hour on dry, level, clean pavement.

5           (15) A person engaged in the business of selling  
6 bicycles at retail shall not sell any bicycle unless the  
7 bicycle has an identifying number permanently stamped or cast  
8 on its frame.

9           (16)(a) A person may not knowingly rent or lease any  
10 bicycle or motorized scooter to be ridden by a child who is  
11 under the age of 16 years unless:

- 12           1. The child possesses a bicycle helmet; or
- 13           2. The lessor provides a bicycle helmet for the child  
14 to wear.

15           (b) A violation of this subsection is a nonmoving  
16 violation, punishable as provided in s. 318.18.

17           (17) The court may waive, reduce, or suspend payment  
18 of any fine imposed under subsection (3) or subsection (16)  
19 and may impose any other conditions on the waiver, reduction,  
20 or suspension. If the court finds that a person does not have  
21 sufficient funds to pay the fine, the court may require the  
22 performance of a specified number of hours of community  
23 service or attendance at a safety seminar.

24           (18) Notwithstanding s. 318.21, all proceeds collected  
25 pursuant to s. 318.18 for violations under paragraphs (3)(e)  
26 and (16)(b) shall be deposited into the State Transportation  
27 Trust Fund.

28           (19) The failure of a person to wear a required  
29 ~~bicycle~~ helmet or the failure of a parent or guardian to  
30 prevent a child from riding a bicycle or motorized scooter  
31 without a required ~~bicycle~~ helmet may not be considered

Bill No. CS for CS for SB 2056

Amendment No. \_\_\_\_ Barcode 510660

1 evidence of negligence or contributory negligence.

2 (20) Except as otherwise provided in this section, a  
3 violation of this section is a noncriminal traffic infraction,  
4 punishable as a pedestrian violation as provided in chapter  
5 318. A law enforcement officer may issue traffic citations for  
6 a violation of subsection (3) or subsection (16) only if the  
7 violation occurs on a bicycle path or road, as defined in s.  
8 334.03. However, they may not issue citations to persons on  
9 private property, except any part thereof which is open to the  
10 use of the public for purposes of vehicular traffic.

11 (21) A county or municipality may adopt an ordinance  
12 that authorizes persons to operate a motorized scooter on a  
13 roadway or sidewalk, notwithstanding any prohibitions in this  
14 section.

15  
16 (Redesignate subsequent sections.)

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 4, line 4, after the semicolon

22  
23 insert:

24 amending s. 316.003; defining the term "motorized  
25 scooter"; amending s. 316.2065, F.S.; providing motorized  
26 scooter operating regulations;

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